

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

T-MOBILE USA, INC. AND SPRINT CORP.,

Defendants.

Case No. 2:23-cv-00379-JRG-RSP

**(LEAD CASE)**

**JURY TRIAL DEMANDED**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

T-MOBILE USA, INC. AND SPRINT CORP.,

Defendants.

Case No. 2:23-cv-00377-JRG-RSP

**(Member Case)**

**JURY TRIAL DEMANDED**

**JOINT MOTION TO AMEND SECOND AMENDED DOCKET CONTROL ORDER**

Plaintiff Headwater Research, LLC (“Headwater”) and Defendants T-Mobile USA, Inc. and Sprint Corp. (collectively, “Defendants” or “T-Mobile”), (collectively, the “Parties”) respectfully file this Joint Motion to Amend the Second Amended Docket Control Order (Dkt. 87) and would show the Court as follows:

The current deadline for the Parties to Complete Fact Discovery and File Motions to Compel Discovery is December 30, 2024. At this time, the Parties request a brief extension of the deadline to January 10, 2025. Given the proximity of the current deadline to the Thanksgiving and Christmas holidays, this brief extension will allow the Parties additional time to complete fact discovery. As a result of this brief extension of the fact discovery deadline, the parties also request

brief extensions of the deadlines to: serve expert witness disclosures, complete expert discovery, file dispositive motions; file motions and to strike expert testimony (including *Daubert* motions) and responses thereto, and serve pretrial disclosures and objections thereto. No other deadlines will be affected by this amendment.

Good cause exists because the Parties are still completing fact discovery and have a significant number of depositions to complete before fact discovery closes. This brief extension of the fact discovery deadline will provide the Parties, third-parties, and all of the witnesses additional time with which to schedule such depositions so as to minimize the burden as much as possible during the winter holiday season. Good cause further exists to amend the deadlines for filing dispositive motions (and responses thereto) and filing motions to strike expert testimony (including *Daubert* motions) (and responses thereto) because the proposed amended dates will permit the parties to still complete pretrial matters and pretrial disclosures well in advance of the submission of such pretrial disclosures and without affecting any other deadlines.

The Parties represent that this Motion is not filed for the purposes of delay but rather so that justice may be served. The Parties have met and conferred and are jointly seeking the relief sought in this Motion.

Accordingly, the Parties respectfully request that the Court grant this Joint Motion to Amend the Second Amended Docket Control Order (Dkt. No. 87) as follows:

ORIGINAL DATE	AMENDED DATE	EVENT
March 24, 2025	April 1, 2025	Serve Objections to Rebuttal Pretrial Disclosures
March 17, 2025	March 25, 2025	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
March 3, 2025	March 13, 2025	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof

ORIGINAL DATE	AMENDED DATE	EVENT
February 24, 2025	March 10, 2025	*Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions that were filed <u>prior</u> to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order. Motions for Summary Judgment shall comply with Local Rule CV-56.
February 10, 2025	February 24, 2025	*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions)  No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.
February 10, 2025	February 24, 2025	*File Dispositive Motions  No dispositive motion may be filed after this date without leave of the Court.  Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u>
February 3, 2025	February 20, 2025	Deadline to Complete Expert Discovery
January 21, 2025	February 10, 2025	Serve Disclosures for Rebuttal Expert Witnesses
December 30, 2024	January 15, 2025	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
December 30, 2024	January 10, 2025	Deadline to Complete Fact Discovery and File Motions to Compel Discovery

Dated: November 26, 2024

*/s/ Katherine Q. Dominguez*

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**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 26th day of November 2024, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Marc Fenster

Marc Fenster

**CERTIFICATE OF CONFERENCE**

The undersigned certifies that counsel complied with the requirements of Eastern District of Texas Local Rule CV-7(h). The parties are in agreement on filing this Joint Motion.

s/ Marc Fenster  
Marc Fenster